

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID CHARLES MOON,  
Petitioner,  
v.  
DAVID LONG,  
Respondent.

Case No. [16-cv-00679-JD](#)

**ORDER OF DISMISSAL AND  
DENYING CERTIFICATE OF  
APPEALABILITY**

This is a habeas case filed pro se by a state prisoner. The Court ordered respondent to file a response but noted that the petition appeared to be untimely and respondent should consider whether a motion to dismiss for untimeliness was appropriate. However, petitioner has filed a notice of abandonment of the petition. Docket No. 9. Pursuant to petitioner's filing, this case is **DISMISSED** without prejudice under Rule 41(a) of the Federal Rules of Civil Procedure. Because reasonable jurists would not find the result here debatable, a certificate of appealability ("COA") is **DENIED**. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000) (standard for COA). The Clerk shall close the file.

**IT IS SO ORDERED.**

Dated: August 30, 2016

  
JAMES DONATO  
United States District Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID CHARLES MOON,  
Plaintiff,  
v.  
DAVID LONG,  
Defendant.

Case No. [16-cv-00679-JD](#)

**CERTIFICATE OF SERVICE**


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 30, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

David Charles Moon ID: G13873  
California City Correctional Facility (CAC)  
P.O. Box 2760  
California City, CA 93504

Dated: August 30, 2016

Susan Y. Soong  
Clerk, United States District Court

By:   
LISA R. CLARK, Deputy Clerk to the  
Honorable JAMES DONATO